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| 10/579,101      | 05/10/2006  | Max Ward Muterspaugh | PU030331            | 6458             |

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| EXAMINER |
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AKINYEMI, AJIBOLA A

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| ART UNIT | PAPER NUMBER |
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2618

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04/03/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/579,101 | <b>Applicant(s)</b><br>MUTERSPAUGH ET AL. |  |
|                              | <b>Examiner</b><br>AJIBOLA AKINYEMI  | <b>Art Unit</b><br>2618                   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/10/2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 7-10, 13-16 is rejected under 35 U.S.C. 102(b) as being anticipated by Balaban (Patent No.: US 6369857B1).

With respect to claim 1:

Balaban discloses a Signal processing apparatus comprising tuning means (fig.2, item 112) for tuning an RF signal of a first channel to generate an IF signal; first filtering means (fig.2, item 120) for filtering said IF signal to generate a filtered IF signal; AGC detecting means (fig.2, item 116) for enabling generation of an AGC signal for said tuning means (fig.2, item 112) responsive to said filtered (fig.2, item 120) IF signal; and wherein said AGC detecting means (fig.2, item 116) includes second filtering means (fig.8A, item 214) for attenuating a predetermined carrier frequency (RF signal) associated with a second channel adjacent to said first channel (col.12, lines 29-39, in this case, the filter 214 in item 116 is responsible for attenuating the predetermined carrier frequency of second channel which is the TV channel).

With respect to claim 2, 8 and 14:

Balaban discloses a signal processing apparatus of claim 1, wherein said IF signal is between 41 and 47 MHz (col.3, lines 58-62).

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With respect to claim 3, 9 and 15:

Balaban discloses a signal processing apparatus of claim 1, wherein said first filtering means includes a SAW filter (fig. 2, item 120).

With respect to claim 4, 10 and 16:

Balaban discloses a signal processing apparatus of claim 1, wherein said predetermined carrier frequency corresponds to an analog sound carrier frequency (col.1, lines 35-lines 64).

With respect to claim 7:

Balaban discloses a method for providing AGC, comprising steps of using a tuner(fig.2, item 112) to tune an RF signal (fig.2, item 110) of a first channel to generate an IF signal; filtering (fig.2, item 120) said IF signal to generate a filtered IF signal; generating an AGC signal (fig.2, AGC from item 126) responsive to said filtered (fig.2, item 120) IF signal, wherein said generating step includes attenuating a predetermined carrier frequency (RF frequency) associated with a second channel adjacent to said first channel and providing said AGC signal to said tuner (col.12, lines 29-39, in this case, the filter 214 in item 116 is responsible for attenuating the predetermined carrier frequency of second channel which is the TV channel).

With respect to claim 13:

Balaban discloses a television signal receiver comprising: a tuner (fig.2, item 112) operative to tune an RF signal (fig.2, item 110) of a first channel to generate an IF signal; a first filter (fig.2, item 120) operative to filter said IF signal to generate a filtered IF signal; an AGC detector (fig.2, item 116) operative to enable generation of an AGC

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signal for said tuner responsive to said filtered IF signal; and wherein said AGC detector includes a second filter (fig.8A, item 214) operative to attenuate a predetermined carrier frequency (RF frequency) associated with a second channel adjacent to said first channel (col.12, lines 29-39, in this case, the filter 214 in item 116 is responsible for attenuating the predetermined carrier frequency of second channel which is the TV channel).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 5, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaban (Patent No.: US 6369857B1) and further in view of Rumreich (Patent No.: US 5177613).

With respect to claim 5, 11 and 17:

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The rejection of claim 1, 7 and 13 is incorporated; Balaban did not disclose a carrier frequency corresponds to approximately 47.25MHz. Rumreich discloses a signal processing apparatus wherein said predetermined carrier frequency corresponds to approximately 47.25MHz (col.5, lines 25-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a frequency corresponds to 47.25MHz in order to reduce adjacent interference.

6. Claims 6, 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balaban (Patent No.: US 6369857B1) and further in view of Limberg (Patent No.: US 6400393B1).

With respect to claim 6, 12 and 18:

The rejection of claim 1, 7 and 13 is incorporated; Balaban did not disclose filter to include ceramic resonator tuned to shunt said predetermined carrier frequency. Limberg discloses a ceramic resonator to shunt the predetermined carrier frequency (col.9, lines 58-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the above limitation in order to bandlimit the circuit.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1, 7 and 13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJIBOLA AKINYEMI whose telephone number is (571)270-1846. The examiner can normally be reached on monday- friday (8.30-5pm) Est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, YUWEN PAN can be reached on (571) 272-7855. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AA

/Yuwen Pan/  
Primary Examiner, Art Unit 2618